

House File 406 - Introduced

HOUSE FILE 406

BY DAWSON

A BILL FOR

1 An Act relating to the district court's denial of a petition to
2 transfer Indian child custody proceedings to a tribe.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232B.5, subsection 13, Code 2013, is
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. *e.* The proceeding was at an advanced stage
4 when the petition to transfer was received and the petitioner
5 did not file the petition promptly after receiving notice of
6 the hearing.

7 NEW PARAGRAPH. *f.* The Indian child is over twelve years of
8 age and objects to the transfer.

9

EXPLANATION

10 The bill adds circumstances that qualify as good cause for
11 a district court to deny a petition to transfer Indian child
12 custody proceedings to a tribe. A circumstance qualifying as
13 good cause now includes when a child custody proceeding was at
14 an advanced stage when the petition to transfer was received
15 by the court and the petitioner failed to promptly file the
16 petition to transfer after receiving notice of the hearing and
17 also includes the objection of an Indian child over the age of
18 12 to the transfer of the proceeding.